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| 09/600,936 | 10/03/2000 | Mitsuaki Nakamura | 49917(868) | 2694 |
| 21874 | 7590 | 01/12/2005 | EXAMINER | |
| EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205 | | | EDWARDS, PATRICK L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2621 | |

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,936

Applicant(s)

NAKAMURA ET AL.

Examiner

Patrick L Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: japanese translation provided with the 892 form.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09-20-2004 has been entered.

Response to Arguments

2. The applicant's arguments, filed on 09-20-2004, have been fully considered. A response to these arguments is provided below.

Prior Art Rejections

Summary of Argument: Applicant has amended claims 1 and 9, and argues that the Shiraiwa et al reference (USPN 6,201,893) fails to disclose, teach, or suggest the limitation of 'correcting luminance based on estimated contrast and gradation characteristics of the display means.'

Examiners Response: Applicant's argument has been fully considered, but is not persuasive. The examiner would like to point the applicant's attention to Figure 1 of the Shiraiwa reference. The 'image reproduction processing section' (element 35) is analogous to the claimed luminance correction means (Shiraiwa col. 8 lines 12-16: The reference describes using 'separately determined image reproduction parameters' to determine one specific image reproduction parameter, and then processing the image based on this parameter). Thus, Shiraiwa clearly discloses performing luminance correction means (e.g. white balance adjustment, as disclosed at col. 5 lines 27-28). Shiraiwa also clearly discloses that the luminance correction means is based on estimated contrast (e.g. the intensity distribution, or the wiener spectrum (which is a measurement of noise power density which requires a contrast estimate for its determination), or the color range (another estimate of contrast), etc.) (col. 4 lines 20-34). Shiraiwa also clearly discloses that the luminance correction means is based on gradation characteristics (col. 4 lines 25-27: The reference describes a 'gradation characteristic', a 'gradation conversion curve', and a 'gradation conversion look up table'). It is well known in the art that display means have predetermined gradation characteristics associated with them, and that gradation conversion curves are used to format image data for display with a given display device. Thus, the gradation characteristics disclosed in Shiraiwa are the gradation characteristics of the display means. Although this is well known in the art, the examiner will provide a US Patent (Sato, USPN 6,246,780, col. 1 lines 41-54) which clearly explains the inherently tight nexus between display devices and gradation conversion curves. This reference should help clear up any potential confusion regarding this matter. The examiner would like to make note of the fact that this reference is not being provided because of a deficiency in the Shiraiwa reference. On the contrary, the examiner asserts that all the limitations in question are disclosed by Shiraiwa, and this additional reference is merely being provided to show the inherency of a limitation which is not

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expressly recited in Shiraiwa (i.e. that the gradation characteristics are associated with a display means), but is nonetheless disclosed. The examiner would also like to make note of the fact that there is no shortage of references which could be used to help explain the inherency of this limitation. Indeed, there is a veritable plethora of references (including patents and non-patent literature) which would have provided the same utility.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiraiwa (US Patent 6,201,893).

With respect to claim 1, which is representative of claim 9, Shiraiwa discloses a display means with predetermined gradation characteristics (column 3, line 54 and element 40 of Figure 1). Although predetermined gradation characteristics are not explicitly disclosed in Shiraiwa, it is well known in the art that display devices are inherently associated with predetermined gradation characteristics.

Shiraiwa also discloses an image input means for inputting an image composed of pixels (column 3, line 52). The color image pickup unit (element 10 of Figure 1) disclosed in Shiraiwa is analogous to an input means as stated in the application.

Shiraiwa discloses a contrast estimation means (discussed in the below paragraph).

Shiraiwa further discloses a luminance correction means. The 'image reproduction processing section' (element 35) is analogous to the claimed luminance correction means (Shiraiwa col. 8 lines 12-16: The reference describes using 'separately determined image reproduction parameters' to determine one specific image reproduction parameter, and then processing the image based on this parameter). Thus, Shiraiwa clearly discloses performing luminance correction (e.g. white balance adjustment, as disclosed at col. 5 lines 27-28). Shiraiwa also clearly discloses that the luminance correction means is based on estimated contrast (e.g. the intensity distribution, or the wiener spectrum (which is a measurement of noise power density which requires a contrast estimate for its determination), or the color range (another estimate of contrast), etc.) (col. 4 lines 20-34). Shiraiwa also clearly discloses that the luminance correction means is based on gradation characteristics (col. 4 lines 25-27: The reference describes a 'gradation characteristic', a 'gradation conversion curve', and a 'gradation conversion look up table'). These gradation characteristics are associated with a display device, as is discussed in the above response to arguments.

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Shiraiwa also discloses that said display means display an image that has been corrected by said luminance correction means (column 4 lines 48-51).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraiwa in view of Kuo (US Patent 5,982,926). The arguments as to the relevance of Shiraiwa in paragraph 2 are incorporated herein.

With regard to claim 11, which is representative of claim 12, Shiraiwa discloses a contrast estimation means for estimating contrast of an input image and a luminance correction means for raising the contrast of an input image. Shiraiwa does not define the contrast in terms of a luminance corresponding to lines and dots in the image and a luminance corresponding to the background of the image. Shiraiwa also fails to expressly disclose that the contrast of the image is raised to a maximum contrast corresponding to a lower limit of luminance (V_{min}) and an upper limit of luminance (V_{max}).

Kuo defines the contrast of the input image in terms of luminance components y_{min} and y_{bkg} ($[y_{min}, y_{bkg}]$) (column 9 line 38). Luminance term y_{min} corresponds to the foreground of a textual image document (column 9, lines 29-30 and column 9, line 11). The foreground of a textual image document as disclosed in Kuo is analogous to lines and dots generated in the input image as stated in the application and luminance term y_{min} from Kuo is analogous to L_v as stated in the application. Luminance term y_{bkg} corresponds to the background of an image (column 9, lines 19-21) and is analogous to luminance term H_v as stated in the application.

Kuo further discloses enhancing the contrast of the image by mapping the luminance component from $[y_{min}, y_{bkg}]$ to $[Y_{MIN}, Y_{MAX}]$, where Y_{MIN} and Y_{MAX} are, respectively, the minimum and maximum Y values of available luminances (column 9, lines 37-41). The term $[Y_{MIN}, Y_{MAX}]$ disclosed in Kuo is analogous to $[V_{MIN}, V_{MAX}]$ as stated in the application. The idea of enhancing contrast by mapping luminance components as disclosed in Kuo is analogous to raising the contrast as stated in the application.

It would have been obvious at the time of the invention to modify Shiraiwa's contrast estimation and luminance correction means by defining contrast of an image in terms of two luminance terms and mapping those luminance terms to minimum and maximum levels in order to enhance the contrast of the image. Such a modification would have allowed for a method that effectively removes blurring from an image and maximizes contrast (Kuo column 9, lines 57-58). It also would have allowed for a contrast enhancing method that utilized the full range of luminance values (Kuo column 8, lines 56-57).

7. Claims 2, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraiwa (US Patent 6,201,893) in view of Tokuyama (US Patent 6,240,206). The arguments as to the relevance of Shiraiwa in paragraph 2 are incorporated herein.

With regard to claim 2, which is representative of claim 10, Shiraiwa discloses a display means having predetermined gradation characteristics, an image input means for inputting an image composed of a plurality of pixels and a luminance correction means that corrects the luminance of pixels constituting an image based on gradation characteristics. Shiraiwa additionally discloses that said display means displays the image in which the luminance of each of the pixels has been corrected by the luminance correction means. Shiraiwa does not disclose a character region extraction means or a sharpening means.

Tokuyama discloses a character region extracting means for extracting character regions from an image (column 2, lines 20-28). The region separating section (element 12, Figure 1) as disclosed in Tokuyama is analogous to a region extracting means as stated in the application.

Tokuyama discloses carrying out sharpening for the character region at a sharpening level higher than the level of sharpening performed for the remaining regions (Tokuyama col. 11 line 37 – col. 12 line 16 in conjunction with Figure 10). This occurs in the event that the value of XB is between 0 and –25000, the value of XA is between 0 and 50000, and the value of XC is between 0 and 25000. In this situation, the photographic and spot regions (which correspond to XA and XC, respectively) are filtered at one of the predetermined sharpening levels shown in Figures 11(a)-(i) and the character region (which corresponds to XB) is filtered at a sharpening level higher than the other regions. The degree of enhancement as disclosed in Shiraiwa is analogous to the level of sharpening recited in the claim.

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify the image processing system of Shiraiwa to include character region extraction means and sharpening means for sharpening character regions at a higher level than non-character regions as taught by Tokuyama. Such a modification would have allowed for an image processing apparatus capable of improving the quality of an image comprised of character regions and non-character regions.

With regard to claim 6, Shiraiwa discloses contrast correction means for raising the contrast of the image on the basis of estimated contrast (Shiraiwa column 6 lines 53-59). Shiraiwa discloses performing luminance distribution smoothing processing on an image on the basis of its contrast. Luminance distribution smoothing is a method well known in the art for enhancing the contrast of an image. Enhancing the contrast of an image is analogous to raising the contrast of an image or lowering it as needed based on the histogram of luminance levels (column 6 lines 57-58). Said luminance distribution smoothing determines image reproduction parameters for pixel luminance. Said parameters, which are held in the image reproduction parameter determination section (element 32 of Figure 1), are then used by the image reproduction processing section (element 35 of Figure 1) to produce image data. As a result, the combination of the parameter determination section and the processing section as disclosed in Shiraiwa is analogous to contrast correction means as stated in the application.

With regards to claim 8, the combination of Shiraiwa and Tokuyama discloses a system comprised of character region extracting means, sharpening means and luminance correction means. Shiraiwa further discloses performing image reproduction processing on an image where the pixels are represented by three color components (Shiraiwa column 3, lines 65-68 with column 4 lines 1-19). Shiraiwa discloses performing image reproduction processing on digital RGB data, which is analogous to a case where luminance is represented by the sum of predetermined three color components as stated in the application.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shiraiwa and Tokuyama as applied to claims 2, 6, 8 and 10 above, and further in view of Takagi ("Selective Image Sharpening", Image Analysis Handbook. University of Tokyo Press January 17 1991, page 549).

The combination of Shiraiwa and Tokuyama discloses a sharpening means, but fails to disclose the exact formula that the sharpening means uses in order to correct luminance values in both character and non-character regions. Takagi discloses the exact formula utilized by the sharpening means to obtain luminance values as stated in the application.

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify the image processing system disclosed in the combination of Shiraiwa and Tokuyama by including the selective sharpening method disclosed in Takagi. Such a modification would have allowed for the use of a method well known in the art in order to implement the selective sharpening of character and non-character regions. Said method could be easily implemented because of the ease with which the transition is made between the sharpening of character regions and the sharpening of non-character regions.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shiraiwa and Tokuyama as applied to claim 2 above, and further in view of Pollard (US Patent 6,266,439) and Katsuyama (US Patent 6,035,061). The arguments as to the relevance of the combination of Shiraiwa and Tokuyama in paragraph 5 are incorporated herein.

With regards to claim 4, Tokuyama further discloses a character region extracting means that extracts a region in which the difference between the maximum value and minimum value of luminance of the plurality of pixels in the respective regions is not less than a reference difference value (column 5 lines 6-28,44-51). A block as disclosed in Tokuyama is analogous to a region containing a plurality of pixels as stated in the application. The (maximum value – minimum value) operation from Tokuyama gives a feature parameter P_a which is then compared to the region separation tables in Figure 13. These tables are analogous to a reference difference value as stated in the application. The combination of Shiraiwa and Tokuyama does not expressly disclose converting the luminance values of pixels into binary form, obtaining blocks of pixels having equal binary-coded luminance or obtaining rectangles circumscribing blocks of connected pixels. Pollard discloses converting the pixels of the image into binary form (column 4 lines 56-62). The process of snapping some pixels to white and snapping other pixels to

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black as disclosed in Pollard is analogous to converting the pixels into binary form as stated in the application. Pollard also discloses obtaining blocks of connected pixels with the same luminance (column 9, lines 18-22). The contiguous runs disclosed in Pollard are analogous to blocks of connected pixels as stated in the application. The appropriately labeled status pixels disclosed in Pollard are grouped according to luminance classification and are therefore analogous to having the same luminance level as stated in the application. Katsuyama discloses integrating circumscribed rectangles overlapping one another into a single circumscribed rectangle (column 11, lines 43-48 in conjunction with Figure 15). The unification of rectangles that overlap as disclosed in Katsuyama is analogous to integrating the rectangles as disclosed in the application.

With regards to claim 5, Katsuyama additionally discloses extracting regions in nearly parallel with a predetermined axis line as character regions (column 28 lines 49-58). The table ruled lines as disclosed in Katsuyama are analogous to predetermined reference axis lines that arrange regions in parallel as stated in the application.

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify the combination of Shiraiwa and Tokuyama by including the binary conversion of pixel values and the grouping together of pixels with the same luminance as taught by Pollard and the integration of circumscribed rectangles and the arrangement of character regions in parallel with a reference axis line as taught by Katsuyama. Such a modification would have allowed for a system of efficiently extracting characters from character regions in an image.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shiraiwa and Tokuyama as applied to claim 6 above, and further in view of Yamazaki (US Patent 5,801,791). The arguments as to the relevance of the combination of Shiraiwa and Tokuyama as applied in paragraph 5 are incorporated herein. The combination of Shiraiwa and Tokuyama discloses contrast estimation means that generate a histogram of pixel luminance for an image. It does not disclose estimating contrast by splitting the histogram into two ranges and comparing maximum luminance values of the ranges to predetermined reference values. Yamazaki discloses splitting a histogram into two ranges based on the average brightness of the input data (column 2 lines 46-51). Yamazaki further discloses using a maximum value and a minimum value from the ranges in order to estimate contrast (column 2 lines 18-31, 51-54).

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify the combination of Shiraiwa and Tokuyama by including contrast estimation means that split a luminance histogram into two ranges and find maximum and minimum values from those ranges. Such a modification would have allowed for a way to display the character regions of an image with a clear outline. (Yamazaki column 1 lines 53-54).

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- o Kanno et al. (USPN 5,687,252) discloses a circumscribed rectangle extraction means
- o Yui (JP 61-276071) discloses image discrimination by way of luminance correction.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (703) 305-6301. The examiner can normally be reached on 8:30am - 5:00pm M-F.

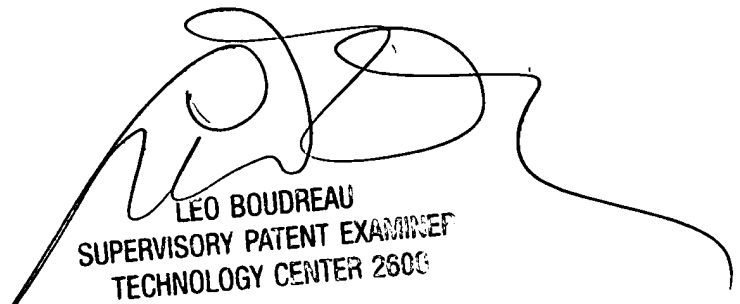
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick Lynn Edwards

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